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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/823,385	04/12/2004	James C. Earthman	9804-10

Eric K. Satermo
 Registered Patent Agent
 P.O. Box 19099
 Irvine, CA 92623-9099

CONFIRMATION NO. 3364

FORMALITIES LETTER



OC000000013073852

Date Mailed: 06/25/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/29/2004 HLE333 00000001 10823385

01 FC:2001	395.00 OP
02 FC:2202	207.00 OP
03 FC:2051	65.00 OP

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 385 to complete the basic filing fee for a small entity.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 8,9,11,12a,12b,13,14a,14b,15,16.
 - The drawings must be made on paper that has a white background (see 37 CFR 1.84 (e)). For example, drawings on graph paper, lined paper, or paper that has a non-white background are not acceptable. See Figure(s) 7.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$207** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$657** for a Small Entity

- **\$385** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$207**
 - **\$207** for **23** total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PTO/SB/17 (10-04)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 922.00)

Complete if Known

Application Number	10/823,385
Filing Date	April 12, 2004
First Named Inventor	James C. Earthman
Examiner Name	
Art Unit	2877
Attorney Docket No.	9804-10

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit Account Number
Deposit Account Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee	395.00
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$ 395.00)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
43	-20** = 23	X 9	= 207
3	-3** = 0	X 44	= 0
Multiple Dependent			

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	65.00
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	215.00
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 660	2503 330	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	40.00
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 320.00)

SUBMITTED BY

Name (Print/Type)	Eric K. Satermo	Registration No. (Attorney/Agent)	40,159	Telephone	949-752-9525
Signature		Date	10-25-2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/823,385

Filing Date

April 12, 2004

First Named Inventor

James C. Earthman

Art Unit

2877

Examiner Name

Attorney Docket Number

9804-10

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input checked="" type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input checked="" type="checkbox"/> Reply to Missing Parts/Incomplete Application	Also enclosed is an Assignment with recordation cover sheet.	
<input checked="" type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	The attached fee is in the form of two checks in the amounts of \$657 and \$265.	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Eric K. Saterno, Registered Patent Agent		
Signature			
Printed name	Eric K. Saterno		
Date	October 25, 2004	Reg. No.	40,159

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Eric K. Saterno	Date	October 25, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Applicant: **James D. Earthman et al.**
Title: **METHODS AND APPARATUS FOR DETECTING AND
QUANTIFYING SURFACE CHARACTERISTICS AND MATERIAL
CONDITIONS USING LIGHT SCATTERING**
Serial No.: **10/823,385**
Filed: **April 12, 2004**
Art Unit: **2877**
Agent's File Reference: **9804-10**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that on the date identified below, this correspondence and each paper listed below are being deposited in the above-identified application with the United States Postal Service with sufficient postage in an envelope addressed to:

Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313:

October 25, 2004

Date

Eric K. Satermo

Signature

Eric K. Satermo

Typed or printed name of person signing Certificate

Each paper attached or enclosed:

1. Form PTO/SB/21—TRANSMITTAL FORM;
2. Form PTOSB/17—FEE TRANSMITTAL FOR FY 2005;
3. a check in the amount of \$657.00;
4. a check in the amount of \$265.00;
5. PETITION FOR EXTENSION OF TIME;
6. RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION;
7. a copy of the NOTICE TO FILING MISSING PARTS;
8. DECLARATION AND AUTHORIZATION OF AGENT (4 pages);
9. replacement drawing sheets numbered 1/11 to 11/11;
10. Form PTO-1595—RECORDATION FORM COVER SHEET;
11. ASSIGNMENT (3 pages);
12. COMBINED AUTHORIZATION OF AGENT AND STATEMENT UNDER 37 C.F.R. § 3.73(b);
13. a copy of ASSIGNMENT;
14. INFORMATION DISCLOSURE STATEMENT;
15. Form PTO/SB/08A— INFORMATION DISCLOSURE STATEMENT BY APPLICANT (2 pages); and
16. copies of five (5) non-patent references.



PATENT

Applicant: **James D. Earthman et al.**
Title: **METHODS AND APPARATUS FOR DETECTING AND
QUANTIFYING SURFACE CHARACTERISTICS AND MATERIAL
CONDITIONS USING LIGHT SCATTERING**

Serial No.: **10/823,385**
Filed: **April 12, 2004**
Art Unit: **2877**

Agent's File Reference: **9804-10**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RESPONSE TO
NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313

Sir:

A NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION was issued in the above-identified application on June 25, 2004. A PETITION FOR EXTENSION OF TIME is filed herewith. Applicant submits herewith:

1. a copy of NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION;
2. an executed DECLARATION AND AUTHORIZATION OF AGENT (*4 pages*);
3. checks to cover the following fees:
 - a) the filing fee under 37 C.F.R. § 1.16(a);
 - b) the surcharge under 37 C.F.R. § 1.16(e); and
 - c) the excess claim fees under 37 C.F.R. § 1.16(c); and
4. replacement drawing sheets numbered 1/11 to 11/11.

Respectfully submitted,

Eric K. Satermo
Registration No. 40,159

Dated: October 25, 2004

17744 Skypark Circle, Suite 295
Irvine, California 92614
Telephone: (949) 752-9525



PATENT

Applicant: James D. Earthman et al.
Title: METHODS AND APPARATUS FOR DETECTING AND QUANTIFYING
SURFACE CHARACTERISTICS AND MATERIAL CONDITIONS
USING LIGHT SCATTERING

Serial No.: 10/823,385
Filed: April 12, 2004
Art Unit: 2877

Agent's File Reference: 9804-10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COMBINED AUTHORIZATION OF AGENT AND STATEMENT UNDER 37 C.F.R. § 3.73(b)

AUTHORIZATION OF AGENT

The undersigned hereby appoints:

Eric K. Satermo
Registration No. 40,159
17744 Skypark Circle, Suite 295
Irvine, California 92614

as our agent to prosecute the application identified above and to transact all business in the United States Patent and Trademark Office and with all competent international authorities connected therewith. The undersigned is the assignee of record of the entire interest.

STATEMENT UNDER 37 C.F.R. § 3.73(b)

MetroLaser, Inc., a California corporation, states that it is the Assignee of the entire right, title, and interest in the patent application identified above by virtue of an Assignment from the inventors of the subject application. A copy of the Assignment is attached. The undersigned, whose title is supplied below, is empowered to sign this STATEMENT on behalf of the Assignee.

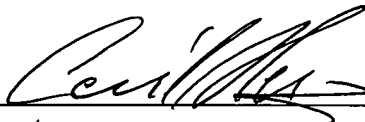
MetroLaser, Inc.

Dated:

28 July

, 2004

By:


Signature

Cecil F. Hess

Typed or Printed Name

President

Title